

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	8:20-cr-00232
PLAINTIFF)	
)	
v.)	SENTENCING MEMORANDUM
)	
STEVEM M. FITCH,)	
DEFENDANT)	

The Defendant, Steven M. Fitch, comes before the Court for sentencing pursuant to a plea of guilty entered before U.S. Magistrate Judge Michael Nelson on October 27, 2020. Based upon the Magistrate Judge's recommendation that the plea and plea agreement be accepted by U. S. District Court Judge Brian Buescher, an order accepting the Defendant's plea was filed on November 30, 2020. Acceptance of the plea agreement was deferred pending review of the presentence report.

According to the plea agreement, made pursuant to Federal Rule of Criminal Procedure 11 (c)(1)(B), Mr. Fitch agreed to enter a plea of guilty to Count I of the Indictment and the government agreed to recommend that the Defendant be sentenced at the low end of the advisory guideline range. The issues before the Court are acceptance of the plea agreement as an appropriate disposition of this matter.

The PSR finds that the Defendant's guideline range, based on both his plea of guilty to Count I of the Indictment and his criminal history category, is an offense level 17, criminal history category I. The advisory guideline range is 24-30 months.

As background for an appropriate sentence, the Presentence report presents a detailed personal history of the Defendant. The Defendant was born on February 27, 1995 in Omaha, Nebraska. The Defendant was raised by his parents in Percival, Iowa until, according to his mother, flooding occurred in the Percival area. Steven was then sent to reside with a brother in Omaha and to finish high school. The Defendant graduated and received his high school diploma in 2013.

While the Defendant has never been married, he has fathered one child when he was 15 years of age. Jaiden Fitch is 10 years of age and resides with her maternal grandmother in Denison, Iowa. The Defendant has been court ordered to provide monthly child support for Jaiden and is current with his payments for her.

As noted in the PSR at paragraph 60, the Defendant's father expressed to the probation officer that the Defendant had been a hard worker with many hobbies. He continues that he believes that the Defendant has gotten involved with "the wrong type of crowd" which has also led him to the transportation of marijuana from Colorado to Iowa. The issue that is forthcoming from the Defendant's parent is the description of the Defendant, not as a violent individual, but as an individual who has made a serious misjudgment without the insight to realize the impact of his actions and its long-term effects on his life.

The Defendant would argue to the Court that the plea agreement both consider the nature and circumstances of the offense to which the Defendant has pleaded guilty and provides a sentence that is sufficient but not greater than necessary to deter the Defendant from future criminal activity. Overall it provides

the Court with an opportunity to sentence the Defendant at a level which is appropriately punitive for the offense to which he has pleaded guilty.

WHEREFORE, the Defendant urges this Court to accept the plea agreement and to sentence the Defendant accordingly.

Respectfully submitted,

STEVEN M. FITCH
DEFENDANT
By s/Mary C. Gryva
Attorney for the Defendant
P.O. Box 8574
Omaha, NE 68108
(402) 346-0874

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2021 I electronically filed the foregoing document with the Clerk of the District Court using the CM/ECF system which sent notification of such filing to the following: Donald J. Kleine and Travis E. Wilcoxen.

By s/Mary C. Gryva